

IN THE UNITED STATES OF AMERICA  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

TYRONE HINES

v.

UNITED STATES OF AMERICA

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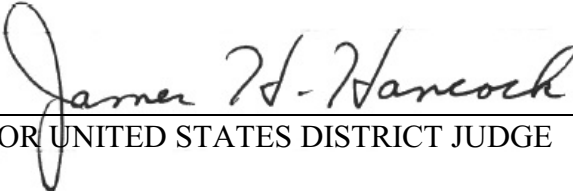
CR 04-H-136-S

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on July 31, 2007, recommending that the motion to modify term of imprisonment be dismissed for lack of jurisdiction. This dismissal is without prejudice to Hines's right to file a motion pursuant to 28 U.S.C. § 2255. On August 7, 2007 Hines filed objections to the findings and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by Tyrone Hines, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the motion to modify term of imprisonment is due to be DISMISSED without prejudice for lack of jurisdiction. A Final Judgment will be entered.

**DONE** this the 14th day of August, 2007.

  
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SENIOR UNITED STATES DISTRICT JUDGE